

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): February 3, 2010.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, South Davis Sewer District, SPK-2008-01512-UO-JD1.
Name of water being evaluated on this JD form: Perennial and Abutting Wetlands: Mill Creek, W1, W3, and W4

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Utah County: Davis City: West Bountiful

Center coordinates of site (lat/long in degree decimal format): Lat: 40.90176 N, Long: -111.92304 W

Universal Transverse Mercator: 12.

Name of nearest waterbody: Great Salt Lake.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Great Salt Lake.

Name of watershed or Hydrologic Unit Code (HUC): Jordan Utah 16020204.

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List other JDs: SPK-2008-01512 Significant Nexus: Wetland W2

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: February 3, 2010.

Field Determination. Date(s): October 1, 2009.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: N/A.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 851 linear feet 2-8 width (ft) and/or N/A acres.

Wetlands: 6.26 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual, and Established by OHWM.

Elevation of established OHWM (if known): Unknown.

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: N/A.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

- A. TNWs AND WETLANDS ADJACENT TO TNWs – NOT APPLICABLE
- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS – NOT APPLICABLE
- C. SIGNIFICANT NEXUS DETERMINATION – NOT APPLICABLE
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

2. RPWs that flow directly or indirectly into TNWs.

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide rationale indicating that tributary flows perennial: Mill Creek is a major drainage for snowmelt, storm runoff, and groundwater sources originating in Mill Creek Canyon in the Wasatch Front. Water has been observed flowing in this creek throughout the year. Mill creek is shown on the USGS maps a a perennial stream. Ditches also flow around wetland W1 connecting Mill Creek and W1.

Describe flow path to a TNW: Water flows from the Wasatch Mountains, through Salt Lake City and discharges to the Great Salt Lake. Mill Creek is channelized and in many places the creek consists of a cement lined channel. There are also a number of stormwater flood control structures constructed along the creek. Mill Creek is channelized as it flows through the project site. The banks are vegetated and a riparian corridor exists along this portion of the Creek. Wetlands abut the creek as it flows through the project site.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: 851 linear feet 2-8 width (ft).
 - Other non-wetland waters: N/A acres.
- Identify type(s) of waters: N/A.

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: As shown in Figure 5. Wetland Delineation Results. W4, W3, and W1 are connected to Mill Creek or the Great Salt Lake. W4 abuts the east bank of Mill Creek, W3 has wetlands that continue north and extend outside of the project site connecting to the open waters to the north (Bountiful Pond) and wetlands of the Great Salt Lake, and W1 is connected to Mill Creek through ditches and a culvert under 1200 North which connects to a wetland located south of 1200 North and abuts Mill Creek. W1, W3, and W4 are all either abutting Mill Creek a RPW or open water/wetlands associated with the Great Salt Lake a TNW.

Provide acreage estimates for jurisdictional wetlands in the review area: 6.26 acres.

- E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): NOT APPLICABLE
- F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: NOT APPLICABLE

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Maps provided in Oct. 2009 Delineation Report.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: N/A.
- Corps navigable waters' study: N/A.
- U.S. Geological Survey Hydrologic Atlas: Jordan Utah 16020204.
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Farmington, UT 1:24K
- USDA Natural Resources Conservation Service Soil Survey. Citation: Maps provided in Ocotber 2009 Delineation Report.
- National wetlands inventory map(s). Cite name: Farmington, UT 1:24K.
- State/Local wetland inventory map(s): _____
- FEMA/FIRM maps: Davis County Utah, Map Number 49011C0393E, June 18, 2007.
- 100-year Floodplain Elevation is: _____ (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Provided in Ocotber 2009 Delineation Report & Utah GIS Spring 2009 Aerial Photos
or Other (Name & Date): Provided in Ocotber 2009 Delineation Report.

- Previous determination(s). File no. and date of response letter: N/A.
- Applicable/supporting case law: N/A.
- Applicable/supporting scientific literature: N/A.
- Other information (please specify): N/A.

B. ADDITIONAL COMMENTS TO SUPPORT JD: Mill Creek, W1, W3, and W4 are directly connected to the Great Salt Lake. Site conditions may be transitioning since the construction of Legacy Parkway. Wetland W3 and W1 were once a single wetland which was bisected by the new Legacy Hwy Corridor, but remain connected through cuverts under the hwy.

Wetland 2 (W2) was completed on a separate JD and determined to have no significant nexus to a TNW. W2 is a small 0.08 acre depressed area that has little hydrology. This site is grazed at times and provides less functions and services because of its size and lack of hydrologic connection to a TNW.